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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,689	12/10/1999	RYO FUJIMOTO	35.G2512	9176

5514 7590 09/30/2004

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EXAMINER

PANNALA, SATHYANARAYA R

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/458,689	<b>Applicant(s)</b> FUJIMOTO ET AL.	
	<b>Examiner</b> Sathyanarayan Pannala	<b>Art Unit</b> 2177	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-12,14-20,22-29,31-37,39-46 and 48-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-12,14-20,22-29,31-37,39-46 and 48-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/4/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/04/2004 has been entered.

2. As per the amendment filed on 6/04/2004 by the Applicant, claims 1, 10, 14, 18, 27, 35, 44, 58 and 59 are amended. Claims 1-3, 5-12, 14-20, 22-29, 31-37, 39-46 and 48-59 are pending as per this Office Action.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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4. Claims 1-3, 5-12, 14-20, 22-29, 31-37, 39-46 and 48-59 are rejected under 35 U.S.C. 102(a) as being anticipated by Hoffman (US Patent 5,761,655).

5. As per independent claims 1, 18, 35, 58, Hoffman teaches a system to store, retrieve and display images of thumbnail size. The size of the thumbnails displayed can be changed to allow visually reviewing a large number or concentrating on a smaller number of but larger size images after reduction in the number of thumbnails.

Thumbnails as well as other image files and other related text files are indexed and searched using keywords. The search can be performed using personalized super-keywords, which are combinations of keywords and other file and data characteristics as keywords (col. 4, lines 8-21). Hoffman teaches the claimed "image storage means for storing a plurality of images" as the system reduces the original image size to the thumbnail image and stores the color data in the record (Fig. 2, col. 6, lines 18-21).

Further, Hoffman teaches the claimed "selecting means for selecting a single image from the plurality of images" as the image files are retrieved, by conventional systems, thumbnails are created and displayed (Fig. 1, col. 5, lines 64-66). Further, Hoffman teaches the claimed "input means (examiner interpreted input as clicking on keywords from Hoffman) [see Fig. 15, col. 11, lines 19-23] for inputting relevant information (examiner interpreted relevant information as pixel data from Hoffman) [see Fig. 3, col. 6, lines 43] concerning a plurality of objects within single image, wherein the relevant information include a word describing an interrelationship between at least two objects within the single image" as using the mouse or keyboard, keywords from the list

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are selected and the system copies 126 the pixel value from the original image (Fig. 2-3, 7, 15, col. 41-52; col. 11, lines 15-23). Finally, Hoffman teaches the claimed "memory means for storing the relevant information input said input means in association with the single image" as the closest match is saved 172 as the pixel in the thumbnail image (at Fig. 5, col. 7, lines 2-14).

6. As per dependent claims 2, 19, 36, Hoffman teaches the claimed "the relevant information includes at least one of a general name of an object, a qualifier therefor, a proper in thereof, and a position thereof" as the system allows the user to indicate number of keywords matching and as well as designating certain keywords as must match keywords (Fig. 15, col. 11, lines 15-23).

7. As per dependent claims 3, 20, 37, Further, Hoffman teaches the claimed "the relevant information includes information expressing a state (examiner interpreted state as color from Hoffman) [see Fig. 15, col. 11, line 23] of an object in the single image" as a color selection 406 of screen 400 allows the colors of the image to be selected using color boxes (Fig. 15, col. 11, lines 23-25).

8. As per dependent claims 5, 22, 39, Hoffman teaches the claimed "a plurality of words can be specified as the qualifier" as keyword selection section 402 allows the user to indicate number of matches (Fig. 15, col. 11, lines 15-18).

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9. As per dependent claims 6, 23, 40, Hoffman teaches the claimed "input means includes position designating (examiner interpreted designating as must match from Hoffman) [see Fig. 15, col. 11, line 21] means designating a position of an object in the single image, and display means for displaying an input window used to input relevant information concerning the object at the designated position" as one of the keyword selected is allowed to indicate as a must match keyword 415 by must match key depressed (Fig. 15, col. 11, lines 19-23).

10. As per dependent claims 7, 24, 41, Hoffman teaches the claimed "the position designating means designates positions of two mutually-related objects in the single image" as the must match keyword will indicate the closely related to the image in comparison to other selected key words (Fig. 15, col. 11, lines 19-23).

11. As per dependent claims 8, 25, 42, Hoffman teaches the claimed "retrieval requirement input means for inputting requirements for retrieval, and image retrieving means for retrieving images that meet the requirements for retrieval inputted by said retrieval requirement input means" as the disclosure is designed to allow fast matching of m out of n keywords (Fig. 15, col. 11, lines 39-48).

12. As per dependent claims 9, 26, 43, Hoffman teaches the claimed "input means inputs supplementary information including at least one of imaging-related information of the single image, special object information thereof, category formation thereof,

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impression information thereof, time information thereof, place information thereof, weather information thereof, and event information thereof" as three databases are involved in the keyword search and disclosed in detail (at Fig. 16, col. 11, lines 49-64).

13. As per independent claims 10, 27, 44, 59, Hoffman teaches a system to store, retrieve and display images of thumbnail size. The size of the thumbnails displayed can be changed to allow visually reviewing a large number or concentrating on a smaller number of but larger size images after reduction in the number of thumbnails.

Thumbnails as well as other image files and other related text files are indexed and searched using keywords. The search can be performed using personalized super-keywords, which are combinations of keywords and other file and data characteristics as keywords (col. 4, lines 8-21). Hoffman teaches the claimed "image storage means for storing a plurality of images" as the system reduces the original image size to the thumbnail image and stores the color data in the record (Fig. 2, col. 6, lines 18-21).

Further, Hoffman teaches the claimed "selecting means for selecting a single image from the plurality of images" as the image files are retrieved, by conventional systems, thumbnails are created and displayed (Fig. 1, col. 5, lines 64-66). Further, Hoffman teaches the claimed "memory means for storing identification information concerning a plurality of objects contained in the image in association with relevant information (examiner interpreted relevant information as pixel data from Hoffman) [see Fig. 3, col. 6, lines 43] concerning the plurality of objects, wherein the relevant information includes a word (examiner interpreted word as must match keyword from Hoffman)

[see Fig. 15, col. 11, lines 19-20] describing an interrelationship between at least two objects within the single image” as using the mouse or keyboard, keywords from the list are selected and the system copies 126 the pixel value from the original image (Fig. 2-3, 7, 15, col. 41-52 and col. 11, lines 15-23). Further, Hoffman teaches the claimed “retrieval requirement input means for inputting requirements for retrieval” as the invention allow fast match of m out of n keywords when hundreds of thousands of files are being managed and provides a unique method of searching keyword data (Fig. 15, col. 11 lines 39-43). Finally, Hoffman teaches the claimed “retrieving means for retrieving an image that meets the requirements for retrieval inputted by said retrieval requirement input means based on the relevant information stored in said memory means” as a dominant color and original height and width allow index search on three criteria (Fig. 7A col. 8, lines 56-59).

14. As per dependent claims 11, 28, 45, Hoffman teaches the claimed “wherein the relevant information includes at least one a general name of an object, a qualifier therefor, a proper noun thereof, and a position thereof” as the system allows the user to indicate number of keywords matching and as well as designating certain keywords as must match keywords (Fig. 15, col. 11, lines 15-23).

15. As per dependent claims 12, 29, 46, Hoffman teaches the claimed “wherein the relevant information includes information pressing a state (examiner interpreted state as color from Hoffman) [see Fig. 15, col. 11, line 23] of an object in the single image” as a



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color selection 406 of screen 400 allows the colors of the image to be selected using color boxes (Fig. 15, col. 11, lines 23-25).

16. As per dependent claims 14, 31, 48, Hoffman teaches the claimed “the qualifier is compromise of a plurality of words can be specified as the qualifier” as keyword selection section 402 allows the user to indicate number of matches (Fig. 15, col. 11, lines 15-18).

17. As per dependent claim 15, 32, 49, Hoffman teaches the claimed “further comprising a position designating means for designating a position of an object of interest in the single image, and display means for displaying an input window used to input the relevant information concerning the object at the designated position” as one of the keyword selected is allowed to indicate as a must match keyword 415 by must match key depressed (Fig. 15, col. 11, lines 19-23).

18. As per dependent claim 16, 33, 50, Hoffman teaches the claimed “wherein said position designating means designates positions of two mutually-related objects in the single image” as the must match keyword will indicate the closely related to the image in comparison to other selected key words (Fig.15, col. 11, lines 19-23).

19. As per dependent claim 17, 34, 51, Hoffman teaches the claimed “wherein said input means inputs supplementary information including at least one of imaging-related information of the single image, special object information thereof, category information

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thereof, impression information thereof, time information thereof, place information thereof, weather information thereof, and event information thereof” as three databases are involved in the keyword search and disclosed in detail (at Fig. 16, col. 11, lines 49-64).

20. As per dependent claim 52-57, Hoffman teaches the claimed “the relevant information is textual information” as the reminder of the space of the screen 210 to be used for text or other data, which needs to be combined with the images (Fig. 9, col. 9, lines 9-13).

### ***Response to Arguments***

21. Applicant’s arguments filed on 7/6/2004, see page 18, paragraph last to page 20, paragraph first, with respect to the rejection(s) of claim(s) 1 and other claims under 37 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hoffman (US Patent 5,761,655) and details as follows:

The new prior art of Hoffman teaches a system to create, store, retrieve and display thumbnail images. The dominant colors in an image are determined using groups of pixels where the average color is used to select an appropriate dominant color for display and the size of the thumbnails can be enlarged for a better view (see abstract). Thumbnails as well as other image files and other

related text files can be indexed and searched using several kinds of keywords, like must match keywords, super-keywords (Col. 4, lines 14-21). Hoffman's disclosure is more realistic and achievable in comparison to the current invention. Because the search is not based on the keywords like proper name or the state specific object in the image or comparison of objects within the image. The retrieval process of the current invention becomes so specific like selecting a specific file from a directory. The objects within the image selection and comparison will vary from person to person. Whereas Hoffman's teaching allows choosing keywords from the list with no chances of selection different keywords for images from person to person.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (703) 305-3390. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sathyanarayan Pannala  
Examiner  
Art Unit 2177

srp  
September 28, 2004